

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**PATRICK R. DE BORJA and
MAKILING FARMS, INC.,**

Plaintiff,

v.

Case No. 3:18-cv-01131-YY

**ENRIQUE R. RAZON, JR;
INTERNATIONAL CONTAINER
TERMINAL SERVICES, INC.; ICTSI
OREGON, INC.; and JOHN AND/OR
JANE DOES 1-20.**

OPINION AND ORDER

Defendant.

MOSMAN, J.,

On August 16, 2019, Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”) [83], directing that Plaintiff’s Motion to Strike the Declaration of Defendants’ Legal Expert [49] should be DENIED; that Defendants’ Motion to Dismiss [27] should be GRANTED under the doctrine of *forum non conveniens*; that all remaining motions should be DENIED as moot [31, 35, 47, 48]; and that this case be dismissed without prejudice. Plaintiff objected [88], and Defendant filed a response [89].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to

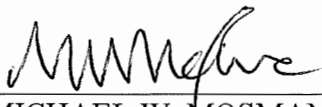
make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the order depends on whether objections have been filed, in either case, I am free to accept, reject, or modify any part of the order. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's order and I DENY Plaintiff's Motion to Strike the Declaration of Defendants' Legal Expert [49]; I GRANT Defendants' Motion to Dismiss [27] under the doctrine of *forum non conveniens*; and I DENY all remaining motions as moot [31, 35, 47, 48].¹ This case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 25th day of September, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge

¹ The court laments that, in light of the facts of this case, the court's wholesale acceptance of Judge You's F&R requires the court to forgo writing an opinion that references both Imelda Marcos and *International Shoe*. *See*, "Imelda Marcos," Wikipedia.com (https://en.wikipedia.org/wiki/Imelda_Marcos); *International Shoe Co v. State of Washington*, 326 U.S. 310 (1945).